

SAN DIEGO COUNTY REGIONAL TRANSPORTATION COMMISSION

Proposition A

(This proposition will appear on the ballot in the following form.)

PROP A **SAN DIEGO COUNTY TRANSPORTATION IMPROVEMENT PROGRAM.** To relieve traffic congestion, improve safety, and match state/federal funds by: Expanding I-5, I-8, I-15, SR 52, SR 54, SR 56, SR 67, SR 76, SR 78, SR 94, SR 125, I-805; Maintaining/improving local roads; Increasing transit for seniors and disabled persons; Expanding commuter express bus, trolley, Coaster services; Shall San Diego County voters continue the existing half-cent transportation sales tax (SDCRTC Ordinance 0401) for forty years, including creating an Independent Taxpayer Oversight Committee to conduct yearly audits ensuring voter mandates are met?

This proposition requires approval by two-thirds of the voters.

**Full text of this proposition
follows the arguments.**

COUNTY COUNSEL IMPARTIAL ANALYSIS

The San Diego Association of Governments (SANDAG) acting as the Regional Transportation Commission (Commission) has placed this measure on the ballot to extend the San Diego County Transportation Improvement Program and Expenditure Plan. This proposition would:

1. Authorize the Commission to continue to impose a transaction and use tax of $\frac{1}{2}$ percent in the incorporated and unincorporated territory of the County of San Diego for a period not to exceed forty years (commonly referred to as "TransNet"). The forty year term will not commence until the current tax expires in at the end of March 2008.
2. Authorize the Commission to issue bonds payable from the proceeds of the tax to accelerate the construction of transportation facility improvements. Also establish an annual appropriation limit of \$950 million for the Commission.
3. Require all revenues to be deposited into a special fund and limit the use of such revenues to improvements of transportation facilities and services and related environmental mitigation. No more than one percent of the total annual revenues available may be used for administrative expenses and no more than \$250,000 per year will be used for the operation of an Independent Taxpayer Oversight Committee.
4. Require that the revenues from TransNet be used to supplement existing public and private funding for transportation improvements. Further require that the revenues be combined with federal, state, local and private funding for transportation improvements.
5. With the exception of certain sections which require a vote of the electors of the County of San Diego to amend, the TransNet ordinance may only be amended with a favorable vote of at least two-thirds of the SANDAG Board of Directors using both the one vote per jurisdiction and the population-based weighted vote procedures.
6. Require revenues be used to fund specific projects and programs. The revenues will be allocated among highway, transit, and local street and road improvement projects.
7. Require establishment of the Independent Taxpayer Oversight Committee (ITOC). The ITOC will develop recommendations for improvements to the financial integrity and performance of the TransNet program.
8. Require each city and the County to contribute \$2,000 in exactions from the private sector, for each newly constructed residential housing unit (with exemptions for extremely low, very-low, low, and moderate income households) in that jurisdiction to the Regional Transportation Congestion Improvement Program as a condition for eligibility to receive TransNet funds for projects within their jurisdiction.

If 66 2/3% of all votes cast favor approval of Proposition A, the measure shall become effective on November 3, 2004. The extension of the TransNet tax authorized by the measure shall be operative on April 1, 2008. Bonds payable from the proceeds of the tax may be issued at any time prior to, on or after April 1, 2008. The provisions of the measure relating to the allocation of revenues shall be operative on July 1, 2008.

ARGUMENT IN FAVOR OF PROPOSITION A

Vote YES on Proposition A to relieve traffic congestion and keep San Diego County moving -- ***without raising taxes!***

Proposition A renews the existing local half-cent sales tax that has helped finance ***every major highway, transit improvement and street repair in San Diego County since 1987.***

Vote YES to ***improve traffic flow and interchanges*** on every freeway in San Diego County -- Interstates 5, 8, 15, and 805 and State Routes 52, 54, 56, 67, 76, 78, 94, 125, and 905.

Vote YES to ***help ensure gridlock doesn't delay police, firefighter and ambulance response*** to emergencies.

Vote YES to repair potholes and improve roads ***in every corner of San Diego County.***

Vote YES to provide ***special transit services for seniors and persons with disabilities.***

Vote YES to ***widen our freeways where possible for carpools and express buses.***

Your YES vote on ***Proposition A safeguards your tax dollars.***

- ***Accountability*** . . . An independent citizen oversight committee will hold elected officials accountable for spending your transportation tax dollars efficiently and will review financial audits annually to ensure voter mandates are met.
- ***Reliability*** . . . Government agencies are prohibited from using Proposition A dollars for anything except local congestion relief and transportation improvements.
- ***Efficiency*** . . . The revenue will go to roads, not overhead. In fact, no more than 1% of your tax dollars will go for administration.

Proposition A guarantees ***transportation dollars raised in San Diego stay in San Diego.***

Without Proposition A, congestion relief will be delayed for decades. We can't count on state and federal highway funds any longer. Many projects won't be built without Proposition A.

The Auto Club (AAA), the San Diego County Taxpayers Association, the League of Women Voters, San Diego Regional Chamber of Commerce, environmentalists, neighborhood groups and thousands of your neighbors agree: ***Vote YES on Proposition A.***

To see Proposition A improvements in your community, go to www.sdcongestionrelief.com. ***Vote YES on Proposition A.***

THOMAS McKERNAN
President & CEO
Automobile Club of Southern California (AAA)

GRACE L. ROOS
Transportation Director
League of Women Voters
of San Diego County

LISA BRIGGS
Executive Director
San Diego County Taxpayers Association

KEVIN CRAWFORD
President, San Diego County
Fire Chiefs Association

DANIEL L. SULLIVAN, Ph.D.
Executive Vice President, Qualcomm Incorporated
Chairman, San Diegans for Congestion Relief

REBUTTAL TO THE ARGUMENT IN FAVOR OF PROPOSITION A

Prop. A is a flawed measure and an expensive 40-year gamble using \$14 billion of your tax dollars.

Prop. A is dishonest and deceptive

Supporters claim that their measure will reduce gridlock and improve response time for emergencies. Regardless of what you are told in slick campaign mailers, the dirty little secret is that freeway and road projects listed in the measure can be changed or ignored.

Prop. A is a blank check for bureaucrats

Despite claims by proponents, Proposition A is nothing more than a taxpayer-subsidized blank check. With few exceptions, everything in the measure can be changed after the election by a vote of 19 political appointees who meet monthly in a downtown office building.

Millions for operations, not new projects

Of the money that is proposed to be spent on mass transit projects, 72% is to be spent on operations and not badly-needed capital improvement projects.

So-Called "Independent Oversight Committee"

Despite a voter-friendly name, the proposed "oversight committee" is nothing but an insiders' club representing industries that benefit financially from construction projects funded by Proposition A.

With no citizen representation and costs listed as "estimates" you cannot be assured your taxes will be spent appropriately.

There is a better way

Your Prop. A tax dollars should be spent where the problems exist today – on our roads and highways – not on operations and pork-barrel projects.

You deserve a much better plan. Vote No on this \$14 billion boondoggle!

Vote No on Prop. A

www.traffictax.org

DIANNE JACOB
Chairwoman
San Diego County Board of Supervisors

PAM SLATER-PRICE
Vice-Chairwoman
San Diego County Board of Supervisors

ROGER HEDGECK
KOGO Radio Talk Host

ARGUMENT AGAINST PROPOSITION A

REJECT THIS 40-YEAR TAX – A MUCH BETTER PLAN IS IN THE WORKS

Prop A is a clunker proposal that won't solve traffic congestion. Look around. Why reward failure?

Why the rush? The current tax doesn't expire until 2008. There's plenty of time to do it right.

VOTE NO ON BILLIONS FOR BOONDOGGLES

Proponents promise congestion relief, smarter growth, better transit and taxpayer safeguards. You've heard this before. Over the past 20 years their plan hasn't kept up with growth. Traffic has gotten worse. San Diegans deserve a better plan – and results – not more of the same.

DEVELOPERS SKATE – WHILE CONSUMERS PAY

Prop A is unfair. It asks consumers to pay sales taxes toward “our fair share.” But billion-dollar exemptions for developers are included. Developers will continue to build projects and stick us with the traffic. To build an effective transportation system, developers must pay their fair share too!

PROMISES MADE – FINE PRINT GIVES WIGGLE ROOM

Prop A promises what pollsters say you want to hear – not what will be delivered. There are no cost controls and projects can be changed.

The ‘Independent Taxpayer Oversight Committee’ consists of special interests *only* without citizen representation. The promised environmental protections are weak and unenforceable. Growth will continue to overwhelm us with traffic.

MISSED OPPORTUNITIES – WASTED TAXPAYER DOLLARS

Over the 40 years you will pay this sales tax, they estimate half-a-billion dollars – or more – can be diverted away from badly needed projects to pay debt.

BILLIONS SPENT – TRAFFIC GETS WORSE

Say No to more of the same.

Say No to this flawed 40-year tax.

Prop A is opposed by:

San Diego:

- **County Board of Supervisors,**
- **City Councilmember Donna Frye,**
- Sierra Club, Audubon, Baykeeper, Surfrider Foundation

GET THE FACTS WWW.TRAFFICTAX.ORG

Vote No on Prop A

CAROLYN CHASE
Planning Commissioner
City of San Diego

JERRY HARMON
Traffic Relief Is Possible (TRIP)

MARCO A. GONZALEZ
Attorney, Surfrider Foundation

RICHARD MILLER
Chapter Chair, San Diego Sierra Club

DIANE COOMBS
Taxpayers for Better Transportation Planning

REBUTTAL TO THE ARGUMENT AGAINST PROPOSITION A

Proposition A opponents really don't want to solve San Diego County's #1 problem – traffic congestion. **Their single-issue political agenda will leave the rest of us sitting in gridlock for years to come.**

These narrow-minded extremists **oppose proven ways to relieve congestion.** They want to force more of us to rely on an unproven system of buses designed by an academic theorist.

Proposition A builds upon 16 years of success in helping make San Diego County a great place to live -- **without increasing taxes.**

It's a **balanced plan** for badly needed transportation improvements. That's why it's **endorsed by the League of Women Voters** of San Diego County and the San Diego Regional Economic Development Corporation.

Proposition A will create a road, highway and transit system that will reduce congestion and enable our public safety services to better respond to emergencies. **That's why it's supported by police and fire chiefs.**

Vote YES to require **unprecedented environmental considerations in a transportation measure,** including habitat protection, mitigation of construction impacts, and contributions from developers.

That's why **environmental groups including The Nature Conservancy, the Buena Vista Audubon Society, the Endangered Habitats League, The Trust for Public Land and many others support Proposition A.**

Vote YES to require **unprecedented taxpayer protection in a transportation measure,** including regular audits and an independent oversight committee. That's why the San Diego County Taxpayers Association and the San Diego County Hispanic Chamber of Commerce support Proposition A.

Vote YES to spend **more time at home with your family,** not fuming in stalled traffic. **Vote YES on Proposition A.**

WILLIAM M. LANSLOWNE
Chief
San Diego Police Department

GREG COX
Supervisor
County of San Diego

DAN SILVER, M.D.
Executive Director
Endangered Habitats League

ANDREW MAURO
Conservation Chair
Buena Vista Audubon Society

CECELIA CAZARES
Chair, Legislative Committee
San Diego County Hispanic Chamber of Commerce

TransNet Extension
ORDINANCE AND EXPENDITURE PLAN
Commission Ordinance 04-01

The San Diego County Regional Transportation Commission ordains as follows:

SECTION 1. TITLE: This ordinance shall be known and may be cited as the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (Commission Ordinance 04-01), hereinafter referred to as the Ordinance. This Ordinance provides for an extension of the retail transactions and use tax implemented by the initial San Diego Transportation Improvement Program Ordinance (Commission Ordinance 87-1 – Proposition A, 1987) for a forty year period commencing on April 1, 2008. The Expenditure Plan for this extension is set forth in Sections 2 and 4 herein and is an expansion of the Expenditure Plan contained in Commission Ordinance 87-1.

SECTION 2. EXPENDITURE PLAN SUMMARY: This Ordinance provides for the implementation of the San Diego Transportation Improvement Program, which will result in countywide transportation facility and service improvements for highways, rail transit services, new bus rapid transit services, local bus services, senior and disabled transportation services, local streets and roads, bicycle and pedestrian facilities, transportation-related community infrastructure to support smart growth development, and related environmental mitigation and enhancement projects. These needed improvements shall be funded by the continuation of the one-half of one percent transactions and use tax for a period of forty years. The revenues shall be deposited in a special fund and used solely for the identified improvements. The specific projects and programs to be funded shall be further described in the document titled “*TransNet Extension* Expenditure Plan Analysis”, which is hereby incorporated by reference as if fully set forth herein. Any ancillary proceeds resulting from the implementation of the San Diego Transportation Improvement Program shall be used for transportation improvement projects in the San Diego region. A summary of the major projects and programs, including the major highway and transit improvements depicted on Figure 1, is provided in the following sections. All dollar references in this Ordinance are in 2002 dollars.

A. Congestion Relief Program - Major Transportation Corridor Improvements:

1. Highway and transit capital projects: Of the total funds available, an estimated \$5,150 million will be used to match an estimated \$4,795 million in federal, state, local and other revenues to complete the projects listed below (see Figure 1). The total costs include an estimated \$500 million in financing costs related to bonds to be issued to accelerate the implementation of the major Congestion Relief projects identified in this section. The costs shown include the total estimated implementation costs of each project net of habitat-related environmental mitigation costs for those transportation projects, which are funded under Section 2(D). Three of the highway projects listed below (SR 67, SR 76, and a portion of SR 94) are described as including environmental enhancements, as further described in the document titled “Environmental Enhancement Criteria Mitigating Highway 67, 76 and 94 Expansion Impacts”, which is hereby incorporated by reference as if fully set forth herein.

- a. Highway Capital Improvements (including managed lane/high-occupancy vehicle (HOV) lane additions and general purpose lane additions) - \$6,760 million:
1. Interstate 5 South: Add two HOV lanes from I-8 to SR 905 - \$722 million.
 2. Interstate 5 Mid-Coast: Add two HOV lanes from I-8 to I-805, including funding for environmental work and preliminary engineering for improvements at the I-5/I-8 interchange - \$192 million.
 3. Interstate 5 North: Add four managed lanes from I-805 to Vandegrift Boulevard in Oceanside, including HOV to HOV connectors at the I-5/I-805 interchange and freeway connectors at the I-5/SR 56 and I-5/SR 78 interchanges - \$1,234 million.
 4. Interstate 8: Add two general purpose lanes from Second Street to Los Coches Road - \$29 million.
 5. Interstate 15: Add four managed lanes from SR 78 to Centre City Parkway in Escondido and from SR 56 to SR 163 and add two HOV lanes from SR 163 to SR 94, including HOV to HOV connectors at the I-15/SR 78 and I-15/SR 94 interchanges - \$882 million.
 6. Interstate 805: Add four managed lanes from I-5 to SR 54 and two reversible HOV lanes from SR 54 to SR 905, including HOV to HOV connectors at the I-805/SR 52 interchange and improvements at the I-805/SR 54 interchange - \$1,371 million.
 7. SR 54/SR 125: Add two lanes to provide a continuous facility with three general purpose lanes and one HOV lane in each direction - \$139 million.
 8. SR 56: Add one general purpose lane in each direction from I-5 to I-15 - \$99 million.
 9. SR 52: Construct four-lane freeway from SR 125 to SR 67, add two general purpose lanes and two reversible managed lanes from I-15 to SR 125, and add two HOV lanes from I-805 to I-15 - \$476 million.
 10. SR 67: Expand to a continuous four-lane facility, including environmental enhancements, from Maplevue Street to Dye Road - \$218 million.
 11. SR 75/SR 282: Provide matching funds for construction purposes only for a tunnel from Glorietta Boulevard to Alameda Boulevard - \$25 million.
 12. SR 76: Add two general purposes lanes from Melrose Drive to I-15, including environmental enhancements from Mission Road to I-15 - \$164 million.
 13. SR 78: Add two HOV lanes from I-5 to I-15 - \$495 million.
 14. SR 94/SR 125: Add two HOV lanes from I-5 to I-8, including freeway connectors at the SR94/SR 125 interchange - \$601 million.
 15. SR 94: Widen to six lanes from SR 125 to Avocado Boulevard and expand to a continuous four-lane facility from Avocado Boulevard to Steele Canyon Road, including environmental enhancements from Jamacha Road to Steele Canyon Road - \$88 million.
 16. Border Access Improvements: Provide matching construction funds for access improvements in the international border area - \$25 million.
- b. Bus Rapid Transit (BRT) and Rail Transit Capital Improvements - \$2,685 million:
1. BRT service from Escondido to Downtown San Diego using the I-15/SR 94 managed/HOV facilities, including new and improved stations and direct access ramps - \$369 million.
 2. BRT service from Escondido to Sorrento Mesa using the managed lane facility on I-15 - \$60 million.
 3. BRT service from Otay Mesa to Downtown San Diego using I-805/SR 94 managed/HOV lane facilities, including new stations and direct access ramps - \$497 million.
 4. BRT service from San Ysidro to Sorrento Mesa using the managed/HOV lane facilities on I-805/I-15/SR 52 including station improvements - \$70 million.
 5. Blue Line Light Rail Transit improvements including station enhancements, signal upgrades, conversion to low-floor vehicles and grade separations in Chula Vista - \$268 million.

6. Mid-Coast Transit Guideway Improvement Project using light rail technology to provide high-level transit service along the I-5 corridor from the Old Town area to the U.C. San Diego/University Towne Center area, would rely in part on federal funding. Absent federal funding, then bus technology may be considered for the high level service planned for this corridor - \$660 million.
 7. Super Loop providing high quality connections to locations in the greater U. C. San Diego/University Towne Center area, including arterial improvements with bus priority treatments, stations and vehicles - \$30 million.
 8. North I-5 Corridor Coaster/BRT service providing high quality north-south transit service improvements by upgrading the Coaster commuter rail tracks and stations, providing BRT service in the El Camino Real corridor, or a combination of the two - \$376 million.
 9. Orange Line Light Rail Transit Improvements including station enhancements, signal upgrades and conversion to low-floor vehicles - \$69 million.
 10. SR 78 Corridor Sprinter/BRT service providing high-quality east-west transit service improvements by upgrading and extending the Sprinter rail line, providing BRT service along the Palomar Airport Road corridor, or a combination of the two - \$197 million.
 11. BRT service from San Diego State University to Downtown San Diego along the El Cajon Boulevard/Park Boulevard corridor with arterial improvements with bus priority treatments, stations and vehicles - \$89 million.
2. Operating Support for the BRT and Rail Transit Capital Improvements: Of the total funds available, an estimated \$1,100 million will be used to operate and maintain the services described under Section 2(A)(1)(b).
 3. Environmental Mitigation: An estimated \$600 million, including \$450 million for direct mitigation costs and \$150 million for economic benefit, will be used to fund the habitat-related mitigation costs of the major highway and transit projects identified in the Regional Transportation Plan as part of the Environmental Mitigation Program described in Section 2(D).

B. Congestion Relief Program - Transit System Service Improvements and Related Programs:

An estimated \$2,240 million will be used to provide ongoing support for the reduced-price monthly transit programs for seniors, persons with disabilities, and students and for the continuation and expansion of rail, express bus, local bus, community shuttles, and dial-a-ride services, including specialized services for seniors and persons with disabilities, and related capital improvements.

C. Congestion Relief Program - Local System Improvements and Related Programs:

An estimated total of \$4,480 million will be allocated to local programs in the following three categories:

1. Local Street and Road Program: An estimated \$3,950 million will be allocated on a fair and equitable basis, using the formula specified in Section 4(D)(1), to each city and the County of San Diego (hereinafter referred to as local agencies) to supplement other revenues available for local street and road improvements. In developing the biennial list of projects to be funded with these revenues as required under Section 5(A), local agencies shall give high priority in the use of these funds to improvements to regional arterials, grade separation projects, and related facilities contributing to congestion relief. At least 70% of the revenues provided for local street and road purposes should be used to fund direct expenditures for construction of new or expanded facilities, major rehabilitation and reconstruction of roadways, traffic signal coordination and related traffic operations improvements, transportation-related community infrastructure improvements to support smart growth development, capital improvements needed to facilitate transit services and facilities, and operating support for local shuttle and circulator routes and other services. No more than 30% of these funds should be used for local street and road maintenance purposes. A local agency desiring to spend more than 30% of its annual revenues on local street and road maintenance-related projects shall provide justification to the Commission as part of its biennial project list submittal. The Commission shall review each local agency's biennial project list submittal and make a finding of consistency with the

provisions of this Ordinance and with the Regional Transportation Plan prior to approving the local agency's project list for funding. The Independent Taxpayer Oversight Committee shall also review the proposed project lists and make recommendations to the Commission.

2. **Environmental Mitigation:** An estimated \$250 million, including \$200 million for direct mitigation costs and \$50 million for economic benefit, will be used to fund the habitat-related mitigation costs of local transportation projects consistent with the Regional Transportation Plan as part of the Environmental Mitigation Program described in Section 2(D).
3. **Smart Growth Incentive Program:** An estimated \$280 million will be allocated to the Smart Growth Incentive Program to provide funding for a broad array of transportation-related infrastructure improvements that will assist local agencies in better integrating transportation and land use, such as enhancements to streets and public places, funding of infrastructure needed to support development in smart growth opportunity areas consistent with the Regional Comprehensive Plan, and community planning efforts related to smart growth and improved land use/transportation coordination. These funds shall be allocated on a regional competitive grant basis. It is intended that these funds be used to match federal, state, local, and private funding to maximize the number of improvements to be implemented. The Commission shall establish specific project eligibility criteria for this program.

D. Transportation Project Environmental Mitigation:

An estimated \$850 million will be used to fund habitat-related environmental mitigation activities required in the implementation of the major highway, transit and regional arterial and local street and road improvements identified in the Regional Transportation Plan. Of this total, an estimated \$250 million is related to mitigation requirements for local transportation projects and an estimated \$600 million is related to mitigation requirements for the major highway and transit projects identified in the Regional Transportation Plan. The intent is to establish a program to provide for large-scale acquisition and management of critical habitat areas and to create a reliable approach for funding required mitigation for future transportation improvements thereby reducing future costs and accelerating project delivery. This approach would be implemented by obtaining coverage for transportation projects through existing and proposed multiple species conservation plans. If this approach cannot be fully implemented, then these funds shall be used for environmental mitigation purposes on a project by project basis. Additional detail regarding this program is described in the documents titled "*TransNet Extension Environmental Mitigation Program Principles*" and "Environmental Enhancement Criteria Mitigating Highway 67, 76, and 94 Expansion Impacts", which are hereby incorporated by reference as if fully set forth herein.

E. Bicycle, Pedestrian and Neighborhood Safety Program:

A total of two percent of the total annual revenues available (an estimated \$280 million) will be allocated to the Bicycle, Pedestrian and Neighborhood Safety Program to provide funding for bikeway facilities and connectivity improvements, pedestrian and walkable community projects, bicycle and pedestrian safety projects and programs, and traffic calming projects. These funds shall be allocated on a regional competitive grant basis. It is intended that these funds be used to match federal, state, local, and private funding to maximize the number of improvements to be implemented. The Commission shall establish specific project eligibility criteria for this program.

F. Administration and Independent Taxpayer Oversight Committee:

Up to one percent of the total annual revenues available will be used for administrative expenses and up to \$250,000 per year will be used for the operation of an Independent Taxpayer Oversight Committee.

SECTION 3. IMPOSITION OF TRANSACTIONS AND USE TAX: In addition to any other taxes authorized by law, there is hereby imposed in the incorporated and unincorporated territory of the County of San Diego, in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Division 12.7 of the Public Utilities Code commencing with Code Section 132000, an extension of the existing transactions and use tax at the rate of one-half of one percent (1/2%) commencing April 1, 2008, for a period of forty years, in addition to any existing or future authorized state or local transactions and use tax. If, during this time period, additional state or federal funds become available which would fund the projects and services contained in the Regional Transportation Plan, then the tax may be reduced by action of the Commission.

SECTION 4. EXPENDITURE PLAN PURPOSES: The revenues received by the Commission from the existing measure as extended by this measure, after deduction of required Board of Equalization costs for performing the functions specified in Section 132304(b) of the Public Utilities Code, shall be used to improve transportation facilities and services countywide as set forth in the Expenditure Plan and in a manner consistent with the long-range Regional Transportation Plan and the short-range, multi-year Regional Transportation Improvement Program, and for the administration of the San Diego County Regional Transportation Commission Act (hereinafter referred to as the "Act") commencing with Public Utilities Code Section 132000. Commencing July 1, 2008, after the deduction of administrative expenses, Independent Taxpayer Oversight Committee expenses, and funding for the Bicycle, Pedestrian and Neighborhood Safety Program as described in Sections 2(E), 2(F), 11 and 12, the remaining annual revenues shall be allocated as follows:

- A. Forty-two and four-tenths percent for the major highway and transit Congestion Relief projects specified in Section 2(A)(1), including four and four-tenths percent for the habitat-related mitigation costs of the major highway and transit projects as described in Section 2(A)(3) to be used to fund a portion of the Environmental Mitigation Program described in Section 2(D).
- B. Eight and one-tenth percent for operation of the specific transit Congestion Relief projects as described in Section 2(A)(2). This funding is for the operation of new or expanded services only and is not available for the operation of services in existence prior to the effective date of this Ordinance.
- C. Sixteen and one-half percent for the transit programs described in Section 2(B). The revenues made available annually for transit purposes shall be allocated and expended pursuant to the following distribution formula and priorities:
 1. Two and one-half percent of the funds made available under Section 4(C) shall be used to support improved transportation services for seniors and disabled persons. These funds shall be used to support specialized paratransit services required by the federal Americans with Disabilities Act (ADA).
 2. Three and one-fourth percent of the funds made available under Section 4(C) shall be used to support a competitive grant program for nonprofit organizations and local agencies. The funds shall be used to provide specialized transportation services for seniors focusing on innovative and cost-effective approaches to providing improved senior transportation, including, but not limited to, shared group services, special shuttle services using volunteer forces, and brokerage of multi-jurisdictional transportation services.
 3. From the remaining revenues, there shall be expended such sums as necessary to guarantee in the North San Diego County Transit Development Board and Metropolitan Transit Development Board areas of jurisdiction for the duration of the measure (1) a monthly regional transit pass for senior (60 years or older) and disabled riders priced at not more than 25 percent of the cost of the regular regional monthly transit pass, and (2) a monthly regional youth transit pass for students (18 years or under) priced at not more than 50 percent of the cost of the regular regional monthly transit pass.
 4. Remaining revenues shall be allocated for transit service improvements, including operations and supporting capital improvements. The revenues shall be allocated through the annual transit operator budget process and the improvements to be funded shall be consistent with the Short Range Transit Plan.
 5. To maintain eligibility for the receipt of funds under Section 4(C), a transit operator must limit the increase in its total operating cost per revenue vehicle hour for bus services or the increase in its total operating cost per revenue vehicle mile for rail services from one fiscal year to the next to no more than the increase in the Consumer Price Index for San Diego County over the same period. If the requirement is not achieved, the operator may not receive any additional funding under Section 4(C) in the following year above the amount received in the previous fiscal year adjusted for any increase in the Consumer Price Index for San Diego County. If there were unusual circumstances in a given fiscal year, the operator may request the approval of the Commission to calculate the requirement as an average over the previous three fiscal years. The operator may also request the approval of the Commission to exclude from the calculation certain cost increases that were due to external events entirely beyond the operator's control, including, but not limited to, increases in the costs for fuel, insurance premiums, or new state or federal mandates.

D. Thirty-three percent for the Local Programs described in Section 2(C) in the following three categories:

1. Twenty-nine and one-tenth percent for the local street and road program described in Section 2(C)(1). The revenues available for the local street and road program shall be allocated and expended pursuant to the following distribution formula:
 - a. Each local agency shall receive an annual base sum of \$50,000.
 - b. The remaining revenues after the base sum distribution shall be distributed to each local agency on the following basis:
 1. Two-thirds based on total population using the most recent Department of Finance population estimates.
 2. One-third based on maintained street and road mileage.
 - c. For the purposes of Section 4D(1)(a) and (b), any new incorporations or annexations which take place after July 1 of any fiscal year shall be incorporated into the formula beginning with the subsequent fiscal year. The San Diego Association of Governments population estimates of such new incorporations or annexations shall be used until such time as Department of Finance population estimates are available.
2. One and eight-tenths percent for the habitat-related mitigation costs of local transportation projects described in Section 2(C)(2) to be used to fund a portion of the Environmental Mitigation Program described in Section 2(D).
3. Two and one-tenth percent for the Smart Growth Incentive Program described in Section 2(C)(3).

E. General Provisions:

1. In implementing the projects funded under Section 4(A), priority shall be given to projects included in the Expenditure Plan for Proposition A as passed by the voters in 1987 that remain uncompleted, such as the eastern ends of the SR 52 and SR 76 highway improvement projects and the Mid-Coast light rail transit project. The Commission shall ensure that sufficient funding or bonding capacity remain available to implement such projects as expeditiously as possible once the environmental clearance for these projects is obtained and needed state and federal matching funds are committed.
2. Once any state highway facility or usable portion thereof is constructed to at least minimum acceptable state standards, the state shall be responsible for the maintenance and operation thereof.
3. All new projects, or major reconstruction projects, funded by revenues provided under this Ordinance shall accommodate travel by pedestrians and bicyclists, except where pedestrians and bicyclists are prohibited by law from using a given facility or where the costs of including bikeways and walkways would be excessively disproportionate to the need or probable use. Such facilities for pedestrian and bicycle use shall be designed to the best currently available standards and guidelines.
4. All state highway improvements to be funded with revenues as provided in this measure, including project development and overall project management, shall be a joint responsibility of Caltrans and the Commission. All major project approval actions including the project concept, the project location, and any subsequent change in project scope shall be jointly agreed upon by Caltrans and the Commission and, where appropriate, by the Federal Highway Administration and/or the California Transportation Commission.

SECTION 5. EXPENDITURE PLAN PROCEDURES:

- A. Each local agency shall biennially develop a five-year list of projects to be funded with revenues made available for local street and road improvements under Section 4(D). A local public hearing on the proposed list of projects shall be held by each local agency prior to submitting its project list to the Commission for approval pursuant to Section 6.
- B. All projects to be funded with revenues made available under Section 4 must be consistent with the Regional Transportation Plan (RTP). Project priorities or phasing shall also be consistent with the RTP. The Expenditure Plan shall be reviewed for consistency with RTP following each major update of the RTP as required by state or federal law. The Expenditure Plan shall be amended as necessary to maintain consistency with the Regional Transportation Plan. If funds

become available in excess of the amount allocated in the Expenditure Plan, additional projects shall be added to the Expenditure Plan consistent with the priorities in the Regional Transportation Plan. Any amendments to the Expenditure Plan shall be made in accordance with the procedures for amending this ordinance as provided for in Section 16.

- C. In the allocation of all revenues made available under Section 4, the Commission shall make every effort to maximize state and federal transportation funding to the region. The Commission may amend the Expenditure Plan, in accordance with Section 16, as needed to maximize the transportation funding to the San Diego region.

SECTION 6. PROJECT PROGRAMMING APPROVAL: The Commission shall biennially approve a five-year project list and a biennial program of projects to be funded during the succeeding two fiscal years with the revenues made available under Section 4 herein. The program of projects will be prepared as a part of the Regional Transportation Improvement Program (RTIP) process as required by state and federal law. A public hearing will be held prior to approval of the program of projects. The Commission may amend the program of projects as necessary in accordance with the RTIP amendment procedures. Projects shall not be funded with the revenues made available under Section 4 unless the projects are in the approved program of projects.

SECTION 7. COOPERATIVE FUND AGREEMENTS: Except as provided for herein, the distribution of funds as set forth in Section 4 shall be met over the duration of the measure. To maximize the effective use of funds, revenues may be transferred or exchanged under the following circumstances:

- A. The Commission, or agencies receiving funds by annual or multi-year agreement, may exchange or loan funds provided that the percentage of funds allocated for each purpose as provided in Section 4 is maintained over the duration of the measure and reviewed as part each 10-year comprehensive program review as described in Section 17. All proposed exchanges, including agreements between agencies to exchange or loan funds, must include detailed fund repayment provisions, including appropriate interest earnings such that the Commission suffers no loss of funds as a result of the exchange or loan. All exchanges must be approved by the Commission and shall be consistent with any and all rules approved by the Commission relating thereto.
- B. The Commission may exchange revenues for federal, state, or other local funds allocated or granted to any public agency within or outside the area of jurisdiction of the Commission to maximize effectiveness in the use of revenues. Such federal, state, or local funds shall be distributed in the same manner as the revenues from the measure.

SECTION 8. MAINTENANCE OF EFFORT: It is the intent of the Legislature, as stated in the Act, and the Commission that revenues provided from this measure be used to augment, not supplant existing local revenues being used for the purposes set forth in Section 4 herein. Each local agency receiving revenues pursuant to Section 4(D) shall annually maintain as a minimum the same level of local discretionary funds expended for street and road purposes on average over the last three fiscal years completed prior to the operative date of this Ordinance (Fiscal Years 2000-01, 2001-02, 2002-03), as was reported in the State Controller's Annual Report of Financial Transactions for Streets and Roads and as verified by an independent auditor. The maintenance of effort level as determined through this process shall be subject to adjustment every three years based on the Construction Cost Index developed by Caltrans. Any increase in the maintenance of effort level based on this adjustment shall not exceed the growth rate in the local jurisdiction's General Fund revenues over the same time period. The Commission shall not allocate any revenues pursuant to Section 4(D) to any eligible local agency in any fiscal year until that local agency has certified to the Commission that it will include in its budget for that fiscal year an amount of local discretionary funding for streets and roads purposes at least equal to the minimum maintenance of effort requirement. An annual independent audit shall be conducted to verify that the maintenance of effort requirement for each agency was met. Any local agency which does not meet its maintenance of effort requirement in any given year shall have its funding under Section 4(D)(1) reduced in the following year by the amount by which the agency did not meet its required maintenance of effort level. In the event that special circumstances prevent a local agency from meeting its maintenance of effort requirement, the local agency may request up to three additional fiscal years to fulfill its requirement. Such a request must be approved by the Commission. The Independent Taxpayer Oversight Committee shall also review such requests and make recommendations to the Commission. Any local street and road revenues not allocated pursuant to the maintenance of effort requirement shall be redistributed to the remaining eligible agencies

according to the formula described in Section 4(D)(1). The maintenance of effort requirement also shall apply to any local agency discretionary funds being used for the other purposes specified under Section 4. In addition, revenues provided from this Ordinance shall not be used to replace other private developer funding that has been or will be committed for any project.

SECTION 9. REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (RTCIP):

A. New Development Exactions

Starting on July 1, 2008, each local agency in the San Diego region shall contribute \$2,000 in exactions from the private sector, for each newly constructed residential housing unit in that jurisdiction to the RTCIP. These exactions shall ensure future development contributes its proportional share of the funding needed to pay for the Regional Arterial System and related regional transportation facility improvements, as defined in San Diego Association of Governments' (SANDAG's) most recent, adopted Regional Transportation Plan. New residential housing units constructed for extremely low, very-low, low, and moderate income households, as defined in California Health and Safety Code Sections 50105, 50106, 50079.5 and 50093, will be exempted from the \$2,000 per unit contribution requirement. The amount of contribution shall be increased annually, in an amount not to exceed the percentage increase set forth in the Engineering Construction Cost Index published by the Engineering News Record or similar cost of construction index. Each local agency shall establish an impact fee or other-revenue Funding Program by which it collects and funds its contribution to the RTCIP. Each local agency shall be responsible for establishing a procedure for providing its monetary contribution to the RTCIP. The RTCIP revenue will be used to construct improvements on the Regional Arterial System such as new or widened arterials, traffic signal coordination and other traffic improvements, freeway interchange and related freeway improvements, railroad grade separations, and improvements required for regional express bus and rail transit. This action is predicated on the desire to establish a uniform mitigation program that will mitigate the regional transportation impacts of new development on the Arterial system. While the RTCIP cannot and should not fund all necessary regional transportation network components and improvements, the RTCIP will establish a new revenue source that ensures future development will contribute its pro rata share towards addressing the impacts of new growth on regional transportation infrastructure.

B. Oversight, Audit and Funding Allocations

The Regional Transportation Congestion Improvement Program (RTCIP) shall be overseen by SANDAG and implemented by each local agency, with the objective of developing a consolidated mitigation program for the San Diego region as a funding source for the Regional Arterial System. The RTCIP and each local agency's Funding Program shall be subject to an annual review and audit to be carried out by the SANDAG and the Independent Taxpayers Oversight Committee, as defined in Section 11 of this Ordinance. Any local agency that does not provide its full monetary contribution required by Section 9(A) in a given fiscal year will not be eligible to receive funding for local streets and roads under section 4(D)(1) of the TransNet Ordinance for the immediately following fiscal year. Any funding not allocated under 4(D)(1) as a result of this requirement shall be reallocated to the remaining local agencies that are in compliance with this Section.

C. Implementation of the Regional Transportation Improvement Program (RTCIP)

Provisions for implementation of the RTCIP are described in the document titled "TransNet Extension Regional Transportation Congestion Improvement Program," which is hereby incorporated by reference as if fully set forth herein.

SECTION 10. BONDING AUTHORITY: Upon voter approval of the ballot proposition to approve the extension of the tax and the issuance of bonds payable from the proceeds of the tax, bonds may be issued by the Commission pursuant to Division 12.7 of the Public Utilities Code, at any time, and from time to time, payable from the proceeds of the existing tax and its extension and secured by a pledge of revenues from the proceeds of the tax, in order to finance and refinance improvements authorized by Ordinance 87-1 and this Ordinance. The Commission, in allocating the annual revenues from the measure, shall meet all debt service requirements prior to allocating funds for other projects.

SECTION 11. INDEPENDENT TAXPAYER OVERSIGHT COMMITTEE: An Independent Taxpayer Oversight Committee (ITOC) shall be established to provide an enhanced level of accountability for expenditure made under the Expenditure Plan. The ITOC will help to ensure that all voter mandates are carried out as required and will develop recommendations for improvements to the

financial integrity and performance of the program. The roles and responsibilities of the ITOC, the selection process for ITOC members, and related administrative procedures shall be carried out in substantially the same manner as further described in the document titled "Statement of Understanding Regarding the Implementation of the Independent Taxpayer Oversight Committee for the *TransNet* Program," which is hereby incorporated by reference as if fully set forth herein. Up to \$250,000 per year, with adjustments for inflation based on the Consumer Price Index for San Diego County, may be expended for activities related to the ITOC.

SECTION 12. ADMINISTRATIVE EXPENSES: Revenues may be expended by the Commission for staff salaries, wages, benefits, and overhead and for those services, including contractual services, necessary to administer the Act; however, in no case shall such expenditures exceed one percent of the annual revenues provided by the measure. Any funds not utilized in a given fiscal year shall remain available for expenditure in subsequent fiscal years. Costs of performing or contracting for project related work shall be paid from the revenues allocated to the appropriate purpose as set forth in Section 4 herein. An annual independent audit shall be conducted through the Independent Taxpayers Oversight Committee to assure that the revenues expended by the Commission under this section are necessary and reasonable in carrying out its responsibilities under the Act.

SECTION 13. ESTABLISHMENT OF SEPARATE ACCOUNTS: Each agency receiving funds pursuant to Section 4 shall have its funds deposited in a separate Transportation Improvement Account. Interest earned on funds allocated pursuant to this Ordinance shall be expended only for those purposes for which the funds were allocated.

SECTION 14. IMPLEMENTING ORDINANCES: Upon approval of this measure by the voters, the Commission shall, in addition to the local rules required to be provided pursuant to this ordinance, adopt implementing ordinances, rules, and policies and take such other actions as may be necessary and appropriate to carry out its responsibilities.

SECTION 15. EFFECTIVE AND OPERATIVE DATES: This Ordinance shall be effective on November 3, 2004, if one of the following events occurs: 1) two-thirds of the electors voting on the ballot proposition approving the ordinance vote to approve the ballot proposition on November 2, 2004; or 2) a law is passed on or before November 2, 2004 that lowers the voter approval threshold applicable to this Ordinance and the number of electors voting in favor of this Ordinance meets that threshold. The extension of the tax authorized by Section 3 of this Ordinance shall be operative on April 1, 2008. Bonds payable from the proceeds of the tax may be issued at any time prior to, on or after April 1, 2008. The provisions of Section 4 of this Ordinance, relating to the allocation of revenues, shall be operative on July 1, 2008.

SECTION 16. AMENDMENTS: With the exception of Sections 2(D), 3, 4(E)(1), 8, 9, and 11 which require a vote of the electors of the County of San Diego to amend, this ordinance may be amended to further its purposes by ordinance, passed by roll call vote entered in the minutes, with two-thirds of the Commission concurring consistent with the Commission's standard voting mechanism. Separate documents incorporated by reference in the Ordinance in Sections 2, 9, and 11 also may be amended with a two-thirds vote of the Commission.

SECTION 17. TEN-YEAR COMPREHENSIVE PROGRAM REVIEW: The Commission shall conduct a comprehensive review of all projects and programs implemented under the Expenditure Plan to evaluate the performance of the overall program over the previous ten years and to make revisions to the Expenditure Plan to improve its performance over the subsequent ten years. Such comprehensive program reviews shall be conducted in Fiscal Years 2019, 2029 and 2039. Revisions to the Ordinance and Expenditure Plan required as a result of the ten-year review shall be subject to the amendment process in Section 16.

SECTION 18. DESIGNATION OF FACILITIES: Each project or program in excess of \$250,000 funded in whole or in part by revenues from this Ordinance shall be clearly designated during its construction or implementation as being provided by revenues from this Ordinance.

SECTION 19. SEVERABILITY: If any section, subsection, part, clause or phrase of this Ordinance is for any reason held unenforceable or unconstitutional by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining funds or provisions of this Ordinance, and the Commission declares that it would have passed each part of this Ordinance irrespective of the validity of any other part. Notwithstanding the foregoing, if any part, clause, or phrase of Section 9(A) of the Ordinance is for any reason held unenforceable or unconstitutional, the remaining portions of Section 9 shall be deemed invalid.

SECTION 20. ANNUAL APPROPRIATIONS LIMIT: Article XIII(B) of the California Constitution requires the establishment of an annual appropriations limit for certain governmental entities. The maximum annual appropriations limit for the Commission shall be established as \$950 million for the 2004-05 fiscal year. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the transactions and use tax revenues imposed in Section 3 are subject to the appropriations limit of the Commission.

SECTION 21. DEFINITIONS:

- A. *Commission*. Means the San Diego County Regional Transportation Commission created by Chapter 1576 of the Statutes of 1985 (Division 12.7 of the Public Utilities Code, commencing with Section 132000).
- B. *Transit*. Means all purposes necessary and convenient to the construction, operation and maintenance of public transportation services and facilities including the acquisition of vehicles and right-of-way. Public transportation services include, but are not limited to, local and express bus, bus rapid transit (BRT), paratransit (dial-a-ride), fixed guideway, light rail (trolley) and commuter rail services and facilities.
- C. *Local Streets and Roads*. Means all purposes necessary and convenient for the purposes as described in Section 2(C)(1).
- D. *Highways*. Means all purposes necessary and convenient to the design, right-of-way acquisition, and construction of highway facilities, including all state highway routes and any other facilities so designated in the Expenditure Plan.
- E. *Bicycle and Pedestrian Facilities*. Means all purposes necessary and convenient to the design, right-of-way acquisition, and construction of facilities intended for use by bicycles and pedestrians. Bicycle and pedestrian facilities shall also mean facilities and programs that help to encourage walking and the use of bicycles, such as secure bicycle parking facilities and bicycle and pedestrian promotion and safety education programs.
- F. *Bonds*. Means indebtedness and securities of any kind or class, including but not limited to bonds, notes, bond anticipation notes, and commercial paper.
- G. *Expenditure Plan*. Means the expenditure plan required by Section 132302 of the Public Utilities Code to be included in the transactions and use tax ordinance to be approved by the Commission. The expenditure plan includes the allocation of revenues for each authorized purpose.
- H. *Regional Transportation Plan*. Means the long-range transportation plan for the San Diego region required by Section 65080 of the Government Code to be prepared by the San Diego Association of Governments as the designated Regional Transportation Planning Agency.
- I. *Regional Transportation Improvement Program*. Means the five-year programming document required by Section 65080 of the Government Code to be prepared by the San Diego Association of Governments as the designated Regional Transportation Planning Agency.
- J. *Transit Operator*. Means any transit district, included transit district, municipal operator, included municipal operator, or transit development board as defined in Public Utilities Code Section 99210.
- K. *Regional Comprehensive Plan*. Means the document integrating land use, transportation systems, infrastructure needs, and public investment strategies within a regional framework to be prepared by the San Diego Association of Governments as required by Section 132360 of the Public Utilities Code.

SECTION 22. EFFECT ON COMMISSION ORDINANCE 87-1: This Ordinance is intended to extend and expand the provisions of Commission Ordinance 87-1, and shall not be read to supercede Commission Ordinance 87-1. If this Ordinance is not approved by the voters of San Diego County, the provisions of Commission Ordinance 87-1 and all powers, duties, and actions taken thereunder shall remain in full force and effect.

PASSED AND ADOPTED by the San Diego County Regional Transportation Commission, the 28th day of May, 2004 by the following vote:

AYES: Commissioners Hall, Padilla, Monroe, Crawford, Lewis, Guerin, Holt Pfeiler, McCoy, Jantz, Sessom, Morrison, Feller, Cafagna, Murphy, Smith, Dale, Powell, Vance,

NOES: Commissioner Jacob

ABSENT: None

Ron Morrison
Chairman

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, Gary L. Gallegos, the Secretary of the San Diego County Regional Transportation Commission, do hereby certify that the foregoing is a true copy of an Ordinance adopted by the San Diego County Regional Transportation Commission on May 28, 2004 at the time and by the vote stated above, which said Ordinance is on file in the office of the San Diego County Regional Transportation Commission.

DATED: May 28, 2004

Gary L. Gallegos
Secretary

[To obtain copies of the attachments incorporated by reference in San Diego County Regional Transportation Commission Ordinance 04-01, please contact the San Diego Association of Governments (SANDAG) by mail at 401 B Street, Suite 800, San Diego, CA 92101, by phone (619) 699-1900, by e-mail at transnet@sandag.org, or via the Internet at www.sandag.org.]

COUNTY OF SAN DIEGO

Proposition B

(This proposition will appear on the ballot in the following form.)

PROP B **INITIATIVE ORDINANCE TO REPEAL THE GREGORY CANYON LANDFILL AND RECYCLING COLLECTION CENTER ORDINANCE.** Shall this Initiative be adopted for the purpose of preventing the future construction of the Gregory Canyon Landfill and Recycling Collection Center by repealing the 1994 voter-approved Gregory Canyon ordinance?

This proposition requires approval by a majority (over 50%) of the voters.

**Full text of this proposition
follows the argument.**

COUNTY COUNSEL IMPARTIAL ANALYSIS

Proposition B would repeal the Gregory Canyon Landfill and Recycling Collection Center Ordinance, a citizen's initiative that was approved in 1994 by the voters of the County.

The 1994 Gregory Canyon Landfill and Recycling Collection Center Ordinance (hereafter referred to as the "1994 Gregory Canyon Landfill Ordinance") amended the County's General Plan and County's Zoning Ordinance to allow a municipal solid waste landfill to be constructed and operated at the Gregory Canyon site in the North County. This site is on State Route 76, approximately three miles east of Interstate 15 and two miles southwest of the community of Pala. The site includes a segment of the San Luis Rey River and a portion of the western slope of Gregory Mountain.

The 1994 Gregory Canyon Landfill Ordinance listed the permits required for a landfill at this site. These included applicable state and federal permits, and County watercourse alteration, grading, bridge, and building permits. The 1994 Gregory Canyon Landfill Ordinance also eliminated the need for a County major use permit for the project, and required that at least 1,313 acres of the Gregory Canyon site be dedicated as permanent open space as part of the landfill project. 1994 Gregory Canyon Landfill Ordinance did not affect California Environmental Quality Act (CEQA) review and mitigation requirements, or regulatory requirements for constructing and operating a landfill.

Proposition B would repeal the 1994 Gregory Canyon Landfill Ordinance. To unwind the effects of the 1994 Gregory Canyon Landfill Ordinance, Proposition B would also designate the Gregory Canyon site as "(18) Multiple Rural Use." It would amend the zoning classification for the site to "A-70-Limited Agricultural Zone." These are the designations that were in place for this land prior to voter approval of the 1994 Gregory Canyon Landfill Ordinance. Proposition B would also provide for amendment of these designations by the Board of Supervisors to further public purposes and in compliance with applicable law. Future planning, zoning and use permit decisions concerning this site would be subject to the discretion of the County Board of Supervisors.

A "YES" vote would indicate that you are in favor of the repeal of the 1994 Gregory Canyon Landfill Ordinance. This would mean that you do not want the 1994 Gregory Canyon Landfill Ordinance to continue as an ordinance.

A "NO" vote would indicate that you are opposed to the repeal of the 1994 Gregory Canyon Landfill Ordinance. This would mean that you do want the 1994 Gregory Canyon Landfill Ordinance to continue as an ordinance.

ARGUMENT IN FAVOR OF PROPOSITION B

VOTE YES ON PROPOSITION B

Here's why:

Proposition B will STOP the development of a garbage dump in Gregory Canyon on the banks of the San Luis Rey River.

We don't need a new landfill in San Diego County and we certainly don't need a filthy garbage dump sitting on the edge of a vital aquifer, next to a San Diego County Water Authority aqueduct.

San Diego County's Disposal Facility Criteria are designed to eliminate inappropriate landfill sites from consideration.

Previous studies commissioned by the County rejected and eliminated Gregory Canyon as an appropriate landfill.

The Gregory Canyon Landfill developers then avoided the normal process for siting a landfill by sidestepping the land use approvals of the County and going to the ballot box in 1994 with a deceptive initiative called Proposition C.

THAT'S WRONG!

Proposition B rescinds Proposition C (1994) and requires that the Gregory Canyon site be reviewed in the same way as all other landfills.

THAT'S FAIR!

Proposition B also protects our water resources.

THAT'S IMPORTANT!

The proposed dump threatens a pristine free-flowing river that supplies clean drinking water to thousands of municipal customers downstream.

We should do everything possible to stop the pollution of our drinking water anywhere in San Diego County!

Remember: San Diego County imports 90% of its water! Every locally produced drop we save is important.

PROPOSITION B IS ENDORSED BY:

CITIES: OCEANSIDE, ENCINITAS, NATIONAL CITY, DEL MAR.

WATER AGENCIES: Fallbrook Public Utility District, San Luis Rey Watershed Council, San Dieguito Water District, Yuima Municipal Water District and Oceanside Water Utility Department.

ORGANIZATIONS: Sierra Club, San Diego Chapter, San Diego Baykeeper, Environmental Health Coalition, RiverWatch, San Diegans for Clean Drinking Water, League of Conservation Voters.

We MUST protect San Diego County's drinking water!

VOTE YES ON PROPOSITION B.

TELL LOS ANGELES TO KEEP THEIR GARBAGE IN LOS ANGELES!

STOP THE DUMP!

For more information visit:

WWW.DUMPTHE DUMB DUMP.COM

858-569-4202

PAM SLATER-PRICE
Vice-Chair
San Diego County Board of Supervisors

TERRY JOHNSON
Mayor of Oceanside

PHIL STONE
Chair
San Diegans for Clean Drinking Water

CHERYL REIFF
Sierra Club Chapter Coordinator

DONNA FRYE
San Diego City Councilmember

REBUTTAL TO THE ARGUMENT IN FAVOR PROPOSITION B

WHO WILL BENEFIT FROM PROPOSITION B?

This proposition is all about gambling. The casino owners wrote Proposition B and paid over \$600,000 to get it on the ballot.

The real story is that Proposition B isn't about protecting our environment or smart use of taxpayer money – it's about protecting the casino owner's profits. The Gregory Canyon landfill uses the same two-lane road as patrons of their casino, and the casino owners don't want to pay their share to widen the road.

WHAT WOULD PROPOSITION B REALLY DO?

It blocks construction of North County's only landfill, forcing trash to be transported -- at great expense to ratepayers -- to distant and rapidly-filling sites in East County, near the San Diego River, and in South County, adjacent to the Otay River.

It short-circuits over a decade of planning and environmental review, overseen by the County's Department of Environmental Health, that produced the safest, most environmentally protective landfill in the County (see Final Environmental Impact Report at <http://www.sdcounty.ca.gov/deh/chd/gcfeir.html>). The landfill must comply with strict environmental regulations imposed by the California Regional Water Quality Control Board, California Integrated Waste Management Board, U.S. Fish and Wildlife Service and San Diego Air Pollution Control District.

PROPOSITION B REVERSES THE DECISION OF COUNTY VOTERS

The only difference between the Gregory Canyon site selection and the process for any other landfill was that voters approved the Gregory Canyon site. Proposition B insults the voters and discredits the voting process.

PROPOSITION B IS OPPOSED BY THE SAN DIEGO REGIONAL CHAMBER OF COMMERCE

VOTE NO ON B – IT'S BAD FOR SAN DIEGO COUNTY

DIANNE JACOB
Chairwoman
San Diego County Board of Supervisors

HOWARD WAYNE
California State Assembly (Ret.)

MICHAEL SHAMES
Executive Director, UCAN
The Utility Consumers' Action Network

LIONEL G. BURTON, M.D.
Mayor of San Marcos (Ret.)
Past President, Vallecitos Water District

F. LAURENCE SCOTT, JR.
Treasurer, Citizens for Environmental Solutions

ARGUMENT AGAINST PROPOSITION B

APPROVED BY VOTERS IN 1994

Sixty-eight percent of San Diego County voters approved the Gregory Canyon landfill in 1994 with the requirement that it must meet strict environmental standards imposed by the State and County.

TOUGH ENVIRONMENTAL SAFEGUARDS

After 10 years of thorough environmental review, the County Department of Environmental Health certified the landfill's Environmental Impact Report, which determined the landfill will protect our water resources. The landfill's environmental system, featuring a five-layer, five-foot thick protective liner system, will make Gregory Canyon the most protective landfill in San Diego County.

OPERATIONS MONITORED AND REGULATED

The landfill will be closely monitored and regulated by State, Regional and County environmental agencies, and by the San Luis Rey Municipal Water District – the district nearest the landfill – to ensure that water resources are fully protected. These safeguards will be backed by unprecedented financial guarantees.

AFTER A DECADE, THE NEED IS EVEN GREATER

- North County's population and trash have grown rapidly, even with aggressive recycling programs.
- The only landfill in North County (San Marcos) has closed.
- The County has determined the Gregory Canyon landfill is necessary to meet San Diego County's long-term waste disposal needs without resorting to costly transportation to Arizona or other distant locations.
- Trucking North County trash to landfills in East County (Sycamore) and South Bay (Otay) will increase traffic on our congested freeways, waste energy, and pollute the air.
- Without the landfill at Gregory Canyon, rates to homeowners and business for trash disposal could escalate due to less competition and greater shipping distances.

Please join respected civic leaders throughout the county, responsible environmentalists and professional water quality experts in opposing Proposition B.

Proposition B – BAD for our environment, BAD for our economy, BAD for ratepayers

DIANNE JACOB
San Diego County Supervisor
District 2

LUCY KILLEA
California State Senate (Ret.)

JUDY McCARTY
San Diego City Council (Ret.)
Founder, City of San Diego's Recycling Program

MARY SALAS
Deputy Mayor
City of Chula Vista

PROFESSOR ROBERT L. SIMMONS
Professor of Law, University of San Diego (Ret.)
Past Member, San Diego Chapter Sierra Club Executive Committee
Environmental Attorney

REBUTTAL TO THE ARGUMENT AGAINST PROPOSITION B

VOTE YES ON PROPOSITION B!

Proposition B -- BETTER for San Diego.

Here's why:

1. REBUTTAL: The dump WILL NOT PROTECT water resources.

To the contrary:

The proposed dump sits on a fractured bedrock groundwater aquifer, next to a San Diego Water Authority aqueduct on the banks of the San Luis Rey River. Even promoters admit, the liner could fail!

PROMOTERS ADMIT RISKS: "Can the landfill leak? Of course it can. There is no fail-safe system." Landfill Project Manager Richard Chase, San Diego Union Tribune, May 7, 2000.

EXPERTS AGREE -- THE RISKS ARE SERIOUS!

EPA WARNING: "Even the best liner and leachate collection system will ultimately fail due to natural deterioration." USEPA, 53 FR 33345.

SAN DIEGO COUNTY WATER AUTHORITY: "The two primary concerns with the Gregory Canyon landfill are the preservation of local water resources and protection of (the San Diego Aqueduct)." San Diego County Water Authority General Manager Lester Snow, October 6, 1994.

THIS RISK TO SAN DIEGO'S DRINKING WATER IS UNACCEPTABLE!

2. REBUTTAL: Numerous studies eliminated Gregory Canyon as a landfill site.

SO, THE DUMP DEVELOPERS AVOIDED COUNTY LAND USE SITING APPROVALS THROUGH PROPOSITION C.

AS A RESULT, THERE ARE:

- NO ASSURANCES THAT LEAKS WILL BE PREVENTED
- NO ENFORCEABLE RECYCLING REQUIREMENTS
- NO FRANCHISE FEES
- NO RESPONSE PLANS FOR CATASTOPHIC FAILURES
- NO CONTROL OVER SOURCES OF TRASH

Remember:

THE GREGORY CANYON LANDFILL WILL ATTRACT TRASH FROM LOS ANGELES AND RIVERSIDE COUNTIES.

TELL LOS ANGELES TO KEEP THEIR GARBAGE IN THEIR OWN BACKYARD!

PROTECT SAN DIEGO'S WATER SUPPLIES!

VOTE YES ON PROPOSITION B. DUMP THE DUMP!

Contacts:

WWW.DUMPTHEDUMBDUMP.COM

858-569-4202

SAN DIEGANS FOR CLEAN DRINKING WATER – YES ON B

RAY HAYNES
Assemblyman

DENISE MORENO DUCHENY
CA State Senator

SHEILA MANNING
President, River Watch

JEROME STOCKS
Encinitas City Councilman

NICHOLAS INZUNZA
Director, Sweetwater Authority

The people of the County of San Diego ordain as follows:

SECTION 1. FINDINGS AND DECLARATION OF PURPOSES

A. In 1994, the "North County Recycling and Solid Waste Disposal Initiative" (Proposition C) amended the County General Plan, Zoning Ordinance and other ordinances and policies of the County of San Diego to designate the Gregory Canyon site, located along State Route 76, east of Interstate 15, in San Diego County, as a possible site for a recycling collection center and Class III solid waste landfill. Proposition C was sponsored by a private waste company.

B. The supporters of the initiative believe that the proposed landfill site is too close to the San Luis Rey River, one of the few free-flowing rivers in southern California and an important source of drinking water for County residents. They also believe that this water source could be polluted by contaminants leaking from the landfill, either through deterioration or damage to the liner or as a result of an earthquake or other natural disaster.

C. The supporters of the initiative believe that the proposed landfill would be located too close to Gregory Mountain and Medicine Rock, sites sacred to local Indian tribes for generations.

D. In addition, the supporters of the initiative believe that since the passage of Proposition C ten years ago, the need for this proposed landfill has changed. They believe that expansion of existing landfills and increased recycling programs are better ways to deal with the county's waste disposal requirements, thereby reducing the county's dependence on landfills.

E. Proposition C specifically allowed the measure to be repealed by a majority vote of the people. It is now the intent of the people of the County of San Diego to repeal Proposition C in its entirety and to reinstate the General Plan, Zoning Ordinance and other land use designations for the Gregory Canyon site that existed prior to the passage of Proposition C in 1994 and to return the land use authority for the Gregory Canyon site to the County Board of Supervisors.

SECTION 2. REPEAL OF PROPOSITION C.

Provisions of Proposition C repealed by this initiative are designated by strike-out type below:

NORTH COUNTY RECYCLING AND SOLID WASTE DISPOSAL INITIATIVE

~~The People of San Diego County Do Hereby Ordain as Follows:~~

~~SECTION 1. INTENT.~~

~~It is the intent of this initiative measure:~~

~~A. To provide for the siting of a new recycling collection center and class III solid waste landfill to allow the residents and businesses in northern San Diego County to dispose of their solid waste in an environmentally sound and economically competitive manner.~~

~~B. To ensure that the recycling collection center and landfill are designated constructed, and operated in a safe and efficient manner by requiring that they fully comply with all environmental laws and regulations. The Project will be monitored during its life on a regular basis by regulatory agencies including, but not limited to, the integrated Waste Management Board, the San Diego County Air Pollution Control District and the Regional Water Quality Control Board.~~

~~C. To amend the General Plan, Zoning Ordinance and other ordinances and policies of the County of San Diego to allow the construction and operation of recycling collection center and Canyon site located off State Route 76 approximately 3½ miles east of the intersection of Interstate 15 and State Route 76 approximately 3½ miles east of the intersection of Interstate 15 and State Route 76 in San Diego County. The general location of the Gregory Canyon site is shown on Figure 1 attached to this measure.~~

~~D. To provide that at least 1313 acres of Gregory Canyon site will be dedicated as permanent open space to create a substantial preservation area for sensitive habitat and species.~~

~~SECTION 2. FINDINGS AND PURPOSE.~~

~~A. The San Marcos landfill is the only remaining landfill serving northern San Diego County which includes the cities of Carlsbad, Encinitas, Del Mar, Solana Beach, Escondido, Oceanside, San Marcos and Vista, and the unincorporated areas of northern San Diego County including Pauma, Menzies, Valley Center, and Fallbrook.~~

~~B. The 1986 San Diego County Regional Solid Waste Management Plan and studies performed by the County of San Diego have documented the critical need for new solid waste facilities to serve the growing north San Diego County population.~~

~~C. The County of San Diego has been unsuccessful in siting any landfills in Northern San Diego County since the San Marcos landfill the approved in 1977. This has occurred as a result of local opposition and the County of San Diego not proceeding with acceptable sites which have been extensively studied.~~

D.—The conditional use permit issued in 1992 by the City of San Marcos for expansion of the San Marcos landfill requires the County of San Diego to aggressively pursue alternative north county landfill sites, and will expire by or before the year 1999, unless the City of San Marcos agrees to extend the term of the permit.

E.—Local opposition to landfill sites and disagreement between north county cities and the County of San Diego over the handling of the solid waste system has created a solid waste crisis involving disputes between the cities and County of San Diego.

F.—The Gregory Canyon site was selected as one of three preferred landfill sites by the County of San Diego based upon a 1987 study which evaluated 168 alternative sites in northern San Diego County covering a study area of 1150 square miles. Subsequently, one of these sites, Blue Canyon, was dropped by the County of San Diego and two new landfill sites have been added. The Gregory Canyon site is now one of four finalist sites.

G.—In 1990 the County of San Diego prepared an environmental impact report evaluating the environmental impacts of operating a landfill at the Gregory Canyon site. This Environmental Impact Report concluded that a landfill could be operated at the Gregory Canyon site consistent with all federal and state regulations governing landfill operations.

H.—All of the San Diego County Landfills have been successfully operated by a private party for the County of San Diego since 1982.

I.—The Gregory Canyon site is located in a sparsely populated area of San Diego County. Solid waste operations will occur on approximately 270 acres of the Gregory Canyon site. At least 1313 acres will be dedicated as permanent open space to provide an important habitat and sensitive species preserve.

J.—The voters hereby find and determine that the project will be compatible with other uses in the area and the County's general plan for uses in the area upon implementation of the mitigation measures required by this measure.

K.—The voters hereby reaffirm the policy of the County of San Diego that each sub-region of the County shall be reasonable for providing sufficient solid waste facilities to handle the solid waste generated in each sub-region and solid waste shall not be shipped from one sub-region to any other sub-region except where an emergency exists.

SECTION 3.—DESCRIPTION OF THE PROJECT.

The Project will include the following components:

A.—General Description of the Project.

The recycling collection center and landfill will occupy approximately 270 acres of the Gregory Canyon site. The landfill footprint containing refuse will cover approximately 150 acres of the site. The main features of the Project include a lined landfill, construction of a new access road and bridge providing access to the site from Highway 76, a scale area, a recycling collection center, a facilities and operation area, a borrow and stockpile area, a leachate collection system, and storm-water retention facilities. The facilities and operation area will include a visitors' center, an office building, a maintenance office, a shop and yard, a fueling station/storage area, a water tank truck wash and wash water treatment area, a water supply well, groundwater monitoring wells, a landfill gas collection and recovery system, and a leachate collection tank. The Applicant shall be entitled to adjust the size and location of solid waste operations and to alter the proposed facilities based on a detailed site plan to be submitted to the Integrated Waste Management Board for its review and approval as part of the solid waste facilities permit.

B.—Dedicated Open Space.

The remaining 1413 acres of Gregory Canyon site shall be dedicated as permanent open space to the County of San Diego, the Pala Band of Mission Indians, another public agency, or a Resource Conservation Group for long-term preservation of sensitive habitat and species. The actual amount of acreage dedicated may be adjusted as necessary to accommodate construction and operation of the Project. The open space area shall not be less than 1313 acres as a result of any adjustment.

C.—Access Road.

The Project includes construction of a new access route and bridge from Highway 76 to the Gregory Canyon site.

D.—Relocation of San Diego Gas & Electric Power Lines.

The project includes relocation of San Diego Gas & Electric transmission lines that are located within the area for the proposed landfill and recycling collection center. All such relocation will occur in accordance with plans reviewed and approved by San Diego Gas & Electric.

E.— Realignment of Highway 76:

The Project includes the widening and realignment of State Road 76 on either side of the new access road to improve sight distance and to facilitate truck movements. The realigned segment would provide approximately 1000 feet of sight distance in both directions for traffic leaving the landfill. The Applicant shall contribute on a fair share basis to the widening of State Route 76 west of the access road to applicable state standards. The fair share shall be based upon the state standard average daily trips. This realigned portion of Highway 76 will be restriped to provide for acceleration/ deceleration lanes and an over take lane for through traffic. Detailed plans for the realignment of Highway 76 will be submitted to CalTrans for review and approval prior to commencing any realignment work.

F.— Bridge:

The Project will include a bridge over the San Luis Rey River to provide separate roadways for access to and from the landfill, and to and from the topsoil stockpile area. This will facilitate adequate internal circulation for the landfill operations.

G.— Protection of San Diego Aqueduct:

The Project will include work required to protect any San Diego Aqueduct pipelines to the extent and in the manner required by the San Diego County Water Authority.

A map showing the Project elements is shown on Figure 2 attached to this measure. The Applicant shall be entitled to alter or change these elements based upon a detailed site plan to be submitted to the Integrated Waste Management Board for review and approval in conjunction with the solid waste facilities permit.

SECTION 4.— PERMITS:

To ensure that the Project is designed, constructed and operated in a safe and efficient manner, the Project shall be required to secure all of the following permits and approvals to the extent required by state or federal law:

A.— Environmental Review:

The Project shall complete any additional environmental review required by federal or state law to secure the remaining permits and approvals.

B.— Consultation with Advisory Council on Historic Preservation:

The Applicant shall consult with the Advisory Council on Historic Preservation in accordance with §106 of the National Historic Preservation Act.

C.— 404 Permit:

The Applicant shall secure a permit relating to §404 of the Clean Water Act from the Department of the Army Corps of Engineers:

D.— U.S. Fish & Wildlife Service:

The Applicant shall conduct a §7 consultation with the Department of Interior, U.S. Fish & Wildlife Service in compliance with the Endangered Species Act and shall coordinate the §404 permit with the U.S. Fish & Wildlife Service as required by federal law.

E.— California Department of Fish and Game:

The Applicant shall secure a §1601 Streambed Alteration Agreement with the California Department of Fish & Game and any other permits required by the California Department of Fish & Game.

F.— State Water Resources Control Board:

The Applicant shall secure a National Pollutant Discharge Elimination System Permit from the State Water Resources Control Board:

G.— Regional Water Quality Control Board:

The Applicant shall secure a Waste Discharge Permit from the Regional Water Quality Control Board:

H.— California Integrated Waste Management Board:

The Applicant shall obtain a Solid Waste Facility Permit from the California Integrated Waste Management Board and from the local enforcement agency for the California Integrated Waste Management Board:

I.— California Department of Transportation:

The Applicant shall secure an encroachment permit from the California Department of Transportation as necessary for improvements to Highway 76.

J.—State Office of Historic Preservation:

The Applicant shall review cultural sites within the Gregory Canyon site with the State Office of Historic Preservation for eligibility for the National Register of Historic Places:

K.—County of San Diego:

The Applicant shall secure a Water Course Alteration Permit, Bridge Permit, Grading Permit and Building Permit from the County of San Diego. The County of San Diego is hereby authorized and directed to include the Project in its Integrated Waste Management Plan as required by State Law and to make any findings required for issuance of any necessary permits:

L.—San Diego Air Pollution Control District:

The Applicant shall secure all permits required by the San Diego Air Pollution Control District to construct and operation the solid waste facilities authorized by this measure:

M.—San Diego Local Agency Formation Commission:

The Applicant shall obtain approval from the San Diego Local Agency Formation Commission for any possible annexation into local water districts as required by the rules and regulations of the San Diego Local Agency Formation Commission:

N.—Utilities Services:

The Project shall comply with the requirements of local utility suppliers in securing electric, telephone, water and fire protection services. Sewer service will be provided by chemical toilets used by workers at the landfill. The Applicant will be required to provide the sewage disposal service; removing effluent once per week by pumper truck from the chemical toilets for treatment and disposal away from the site:

O.—Other Permits and Approvals:

The Applicant shall secure all other permits and approvals as required by federal or state law:

SECTION 5.—MITIGATION MEASURES:

To ensure that the Project is constructed and operated in a manner which minimizes its environmental impacts, the following mitigation measures are hereby adopted as a condition of voter approval of the Project:

A.—Days of Operation:

The solid waste facilities shall remain open for the receipt of refuse a minimum of eight (8) hours a day, six (6) days a week, excepting those holidays by county-owned landfills:

B.—Hours of Operation:

Solid waste operation shall occur only between the hours of 7:00 AM and 6:00 PM, Monday through Friday, and 8:00 AM to 5:00 PM on Saturday unless different hours are established by the Integrated Waste Management Board. For the purposes of this mitigation measure "solid waste operations" shall include the receipt, handling, processing, and/or disposal of solid waste or recyclable materials; cover operations; site grading and/or excavation, including blasting and rock crushing; and heavy equipment operation. Other site activities such as the operation of gas and leachate collection and treatment systems, remedial activities required by a regulatory agency, maintenance within the maintenance yard, and activities conducted in a completely enclosed building shall not be limited to these hours of operation:

C.—Litter and Illegal Dumping:

At least five (5) days each week, the Applicants shall inspect for, and clean up, all litter and illegal dumping which occurs on, or adjacent to, the landfill access road and that portion of Highway 76 between the intersection with Interstate 15 and the site:

D.—Hazardous Waste Exclusion Program:

The Applicant shall maintain trained, full-time personnel engaged exclusively and continuously in the inspection of incoming refuse loads for hazardous waste. These personnel shall be stationed at the working face of the landfill whenever the landfill is open to accept waste and small inspect loads as they are tipped. Hazardous wastes encountered in this fashion shall be handled and disposed of in accordance with state regulations:

E.—Liner and Leachate Collection System:

A liner and leachate collection system shall be installed and monitored as required by the Regional Water Quality Control Board:

F.—Landfill Gas System:

The Project shall include a network of vertical extraction wells, lateral transmission pipes to a gas recovery facility, and perimeter gas monitoring probes. With this system, the landfill gas will be extracted from the landfill and combusted in an enclosed flare:

G.—Water Quality:

The Project shall comply with all requirements of the Regional Water Quality Control Board to ensure protection of surface and underground water quality.

H.—Earthquakes:

All structures located at the Gregory Canyon site shall be designed by a qualified engineer to withstand the maximum probable earthquake to avoid potential impacts associated with earthquakes and ground shaking.

I.—Traffic Impacts:

In order to mitigate traffic impacts, the Applicant shall widen and realign State Route 76 on either side of the access road to improve sight distance and to facilitate truck movements. The realigned segment will provide approximately 1000 feet of sight distance in both directions for traffic leaving the landfill. The Applicant shall contribute on a fair share basis to the widening of State Route 76 west of the access road to applicable state standards. The fair share shall be based upon the state standard average daily trips. Striping will be provided for acceleration/deceleration lanes and an overtake lane for through traffic. These realignment plans may be modified as necessary to meet CalTrans requirements.

J.—Air Quality:

Air Quality impacts associated with the Project shall be mitigated by meeting all requirements imposed by the San Diego County Air Pollution Control District for Authority to Construct and Authority to Operate Permits.

K.—Noise Abatement:

The Applicant shall prepare a Noise Abatement Plan to include:

- 1.—Physical design provisions to ensure that ambient noise levels do not exceed 65 CNEL at the boundaries of the Gregory Canyon site;
- 2.—Installation of landfill equipment and vehicles with noise suppressing equipment to assist in meeting the above restrictions;
- 3.—Provisions for at least 24 hour in advance written notice of any blasting on-site to residents within a one-mile radius of the blast site.
- 4.—Where ambient noise levels exceed 65 CNEL at the boundaries of the Gregory Canyon site, the Applicant shall retain a qualified noise expert to evaluate the problem and recommend mitigation measures. These mitigation measures shall be implemented by the Applicant.

L.—Odor Control:

To control odors on-site, the Applicant shall submit an Odor Control Plan to the San Diego County Air Pollution Control District for review and approval.

M.—Dust Control Plan:

To control dust from Project operations, the Applicant shall submit a Dust Control Plan to the San Diego County Air Pollution.

N.—Biological Impacts:

All sensitive species and habitat impacted by the Project shall be mitigated in accordance with requirements imposed by the United States Fish & Wildlife Service as part of the §7.

O.—Visual Impacts:

In order to mitigate visual impacts associated with the Project, the Applicant shall employ extensive use of landscaping emphasizing native vegetation, and rounding/irrigation of slopes on the refuse column and changes in slope angles. All landscaping shall be performed by a licensed landscape architect in the State of California. This licensed architect shall prepare a detailed landscape plan designed to minimize visual impact associated with the Project to the maximum feasible extent. The plan prepared the licensed architect shall be implemented by the Applicant upon completion.

P.—Cultural Impacts:

Impacts to Native American resources impacted by the Project shall be mitigated through the development of a Memorandum of Agreement between the Applicant and the appropriate regulatory agencies in accordance with §106 of the National Historic Preservation Act. To mitigate archaeological impacts caused by the Project, the Applicant shall retain a qualified archaeologist to investigate and recommend appropriate mitigation measures. These mitigation measures shall be implemented by the Applicant.

Q.—Citizen Environmental Review Board.

A Citizen Environmental Review Board (the "Board") shall be established by agreement between the Applicant and the cities or other governmental entities agreeing to supply waste to the Project. The members of such Board shall be appointed by each such city or entity and shall be individual citizens who are not employees or officials of such city or entity. The Board shall have the authority to inspect and review all reports submitted by the Project to any other regulatory agency and to make recommendations to any such regulatory agency with respect to the operation of the Project, including any enforcement actions the Board may deem appropriate. The Board shall establish an environmental review team consisting of qualified personnel to monitor the operations of the landfill which team shall have reasonable access to the landfill during all hours of operation of the landfill.

R.—Additional Mitigation Measures.

Mitigation measures included as part of any subsequent environmental review of the Project shall be included as additional mitigation measures for the Project. The Applicant shall submit a mitigation and monitoring program meeting state and federal law to the Integrated Waste Management Board for review and approval as part of the solid waste facilities permit.

SECTION 6.—TIPPING FEE AND FINANCIAL GUARANTEES.

A.—Tipping Fees.

It is the intention of the voters to ensure that the tipping fee charged by the Project to any public agency supplying waste to the project does not exceed the tipping fee currently charged at county-owned landfill as adjusted for inflation. This fee is currently \$43 per ton. For calendar year 1994, this tipping fee shall be \$43 per ton. Commencing January 1, 1994, and continuing on January 1 of each year thereafter, this tipping fee may be increased by the percentage charge in the Consumer's Price Index. All Urban Consumer's for the Los Angeles—Anaheim—Riverside Area (1967 = 100) for December of the prior year to December of the year this price increase is to occur.

The tipping fee as set in this section shall be subject to changes or adjustments based upon tipping fees negotiated between the Applicant and various public agencies agreeing to provide solid waste to the Project.

B.—Financial Guarantees.

The Applicant shall provide a closure and post-closure plan complying with federal and state law and shall provide bonds or other financial guarantees to ensure performance as required by federal and state law.

SECTION 7.—IMPLEMENTATION.

A.—Amendments to County General Plan.

Upon the effective date of this initiative, the land-use element of the County General Plan and all sub-regional and community plans which apply to the Gregory Canyon site and any related maps shall be amended to designate the Gregory Canyon site Public/Semi-public lands with a Solid Waste Facility Designator. Notwithstanding the Public/Semi-public designation, the Gregory Canyon site shall remain private lands unless purchased or condemned by a public agency.

B.—Amendments to County Zoning Ordinance.

Upon the effective date of this initiative, the County Zoning Ordinance shall be amended to create a new zoning classification designated Solid Waste Facility ("SWF"). This SWF zoning classification shall be applied only to the Gregory Canyon site and shall allow the Project without the need for any permits from the County of San Diego except the Water Course Alteration Permit, Bridge Permit, Grading Permit and Building Permit.

C.—Amendments to Other County Ordinances and Policies.

All other County ordinances, rules and regulations which constitute legislative acts shall be amended as necessary to accommodate the Project as set forth in this initiative.

D.—County Cooperation.

The County of San Diego shall cooperate with the Applicant wherever possible in issuing permits and approvals so that the Project can proceed in a timely fashion.

The County of San Diego is hereby authorized and directed to amend other elements of the General Plan, sub-regional plans, community plans, Zoning Ordinance, and other ordinances and policies affected by this initiative as soon as possible and in the manner and time required by State Law to ensure consistency between this initiative and other elements of the County's General Plan, sub-regional and community plans, Zoning Ordinance and other County ordinances and policies.

SECTION 8.—DEFINITIONS.

For the purpose of this measure, the following words and phrases shall have the following meanings:

A. "Gregory Canyon site" shall mean the approximately 1683 acres of land located off State Route 76 approximately 3 1/3 miles east of the intersection of Interstate 15 and State Route 76 occupying portions of Sections 4 and 5 of Township 10 South and Sections 32 and 33 of Township 5 South Range 2 West of the San Bernardino Principle Meridian.

B. "Integrated Waste Management Board" shall mean the State of California Integrated Waste Management Board.

C. "Project" shall mean the recycling collection center and landfill and associated structures and improvements as described in Section 3 of this initiative measure as subsequently modified by a detailed site plan submitted by Applicant to the Integrated Waste Management Board as part of the solid waste facilities permit.

D. "Recycling collection center" shall mean a facility for the buy-back of source separated materials but not the processing of mixed waste.

SECTION 9. PURCHASE BY PUBLIC AGENCY.

The Gregory Canyon site shall remain private land until purchased by a public agency or Joint Powers Authority for its fair market value. Nothing contained herein shall restrict the right of any public agency to exercise its eminent domain power as authorized by law to acquire the Gregory Canyon site.

SECTION 10. AMENDMENT OR REPEAL.

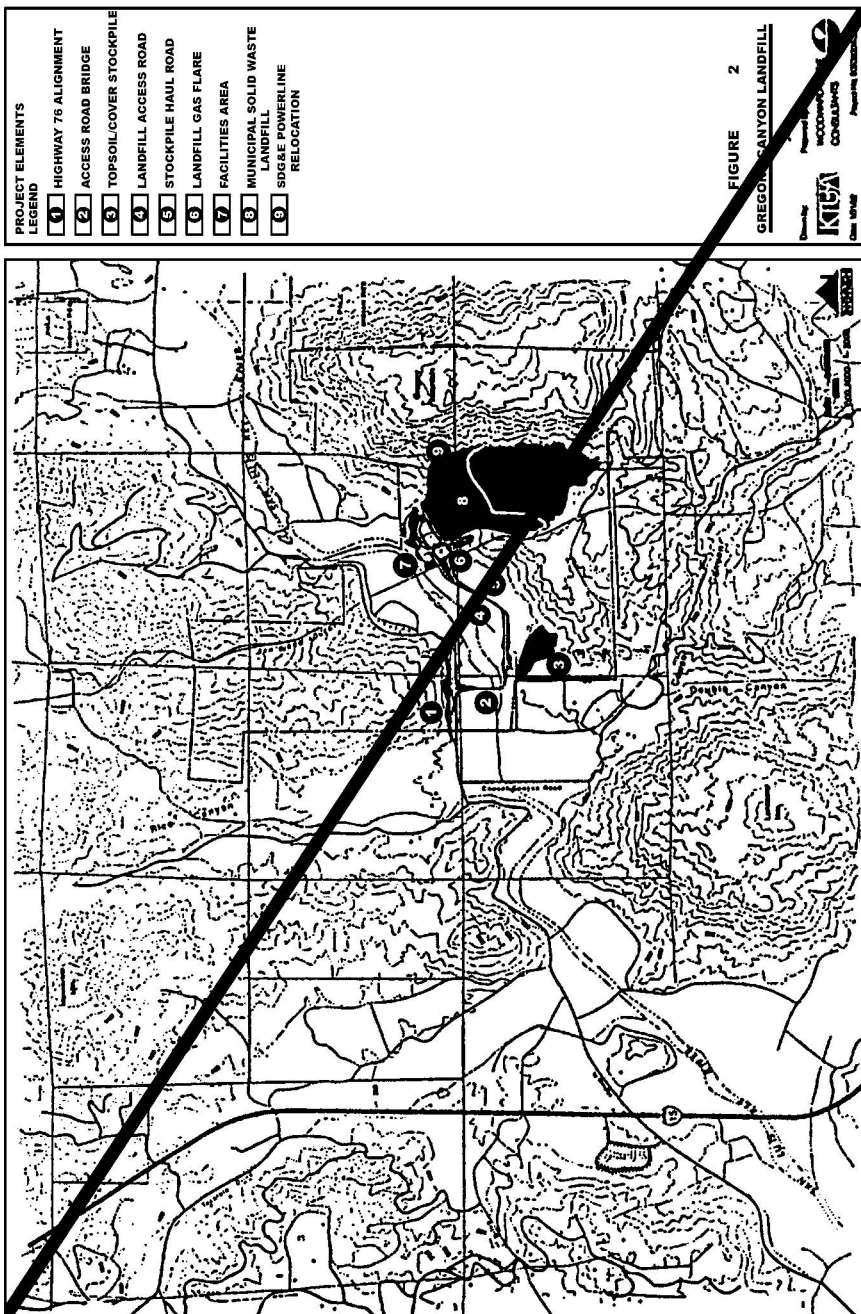
This measure may be amended or repealed only by a majority of the voters voting in an election thereon.

SECTION 11. INTERPRETATION AND SEVERABILITY.

This measure shall be interpreted so as to be consistent with all federal and state laws, rules and regulations. If any section, sub-section, sentence, clause, phrase, part or portion of this measure is held to be invalid or unconstitutional by a final judgment of court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, sub-section, sentence, clause, phrase, part or portion thereof would have adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, parts or portions are declared invalid or unconstitutional.

SECTION 12. CONSISTENCY WITH OTHER BALLOT MEASURES.

In the event that another ballot measure is placed on the same ballot as this measure purporting to deal with the same subject matter, and if both measures should pass, the voters expressly declare their intent that both measures shall be put into effect except to the extent that specific provisions of such measures are in direct conflict. In the event of such a direct conflict, the measure which obtained more votes will control as to the conflicting provisions only. The voters expressly declare this to be their intent, notwithstanding any language to the contrary in any other ballot measure.



SECTION 3. DESIGNATION OF PARCEL TO PRIOR USES

A. Amendments to County General Plan.

Upon the effective date of this initiative, the land use element of the County General Plan and all sub-regional and community plans which apply to the Gregory Canyon site and any related maps shall be amended to designate the Gregory Canyon site as: “(18) Multiple Rural Use.”

B. Amendments to County Zoning Ordinance.

Upon the effective date of this initiative, the County Zoning Ordinance shall be amended to amend the zoning classification for the Gregory Canyon site, currently designated Solid Waste Facility (“SWF”) to: “A-70-Limited Agricultural Zone.”

C. Amendments to Other County Ordinances and Policies.

All other County ordinances, rules and regulations which constitute legislative acts shall be amended as necessary to implement this initiative.

D. For the purpose of this measure, the term “Gregory Canyon site” shall mean the approximately 1683 acres of land located off State Route 76 approximately 3 1/3 miles east of the intersection of Interstate 15 and State Route 76 occupying portions of Sections 4 and 5 of Township 10 South and Sections 32 and 33 of Township 5 South Range 2 West of the San Bernardino Principle Meridian.

SECTION 4. AUTHORITY TO AMEND LAND USE DESIGNATION IN THE PUBLIC INTEREST.

This measure may only be amended by a majority vote of the Board of Supervisors to further public purposes and in compliance with all applicable federal, state and local law, or by an initiative measure approved by a majority of the voters voting on the measure.

SECTION 5. SEVERABILITY

If any term or provision of this measure or the applicability of any term or provision of this measure to any person or circumstance is found to be unconstitutional or otherwise invalid, such invalidity shall not affect the remaining provisions and applications of this measure and to that end, the voters, in adopting this measure, declare and intend that those provisions and applications are severable.